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EXAMINER
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BURLESON, MICHAEL L

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/731,157

Applicant(s)

SALGADO, DAVID A.

Examiner

Michael Burleson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 9, 11-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9, 11-15 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 01/03/2006 have been fully considered but they are not persuasive.
2. Regarding claim 1, Applicant states that the reference of Nishii "does not expressly teach establishing a characteristic of a page indicative of an unwanted page." and that, "turning on a blank page output mode" does not teach of establishing a characteristic of a page indicative of an unwanted page. Examiner disagrees with Applicant. In the specification, Applicant discloses that an unwanted page is in fact a blank page (page 5, lines 10-15). Therefore, the blank page detector (10) of Nishii is in fact establishing a characteristic of a page indicative of an unwanted page that is to be detected.
3. Regarding claim 2, Applicant states that a sufficient motivation for combining the references of Nishii and Nakajima Toru. Examiner disagrees with Applicant. The motivation for combining the references of Nishii and Nakajima Toru is to notify the operator of a blank page, as stated in the motivation statement.
4. Regarding claim 3, Applicant states that the reference of Nishii does not teach of requesting permission to remove identified pages. Examiner agrees with Applicant. The reference of Nishii does teach that the printer (2) receives commands from a user, in which case, a user can input the type of page to be removed (column 5, lines 1-5).

5. Regarding claim 7, Applicant states that the reference of Nishii does not disclose describing characteristics of a non-blank sheet. Examiner disagrees with Applicant. In fact, Nishii teaches of a graphic data detector (11) that detects graphic data via the blank page detector (10), which is a non-blank characteristic.

6. Regarding claim 9, Applicant states that the reference of Motoyama does not recognize patterns, but merely counts the total of marks on a page. Examiner disagrees with Applicant. Applicant is correct that the reference of Motoyama does not recognize patterns, but the pattern detector (220) of the present application detects unwanted page descriptions from an unwanted page description source (page 8, lines 30-32 of specification) and separator page phrases (page 9, lines 1-10 of the specification). The fact that Motoyama counts the total number of marks on a page, the marks on the page could be a description of an unwanted page.

7. Regarding claims 12, Applicant states that Nishii does not teach of, "describing characteristics of the unwanted portions of the job". Examiner disagrees with Applicant. Although, as Applicant states, "the unwanted portion is not always a blank page", but in the reference of Nishii, the unwanted portion is a blank page, which serves as a description of an unwanted portion.

8. Regarding claim 13, Applicant states that the reference of Nishii does not teach of "a pattern detector operative to receive an arbitrary description of an unwanted portion of the input image data" with regards to the blank page detector (10). Examiner agrees with Applicant. The reference of Nishii does teach of an interpreting section (9). The interpreting section (9) receives input data and interprets the input data as a

blank page or graphic data (figures 2 and 5 and column 6, lines 55-67 to column 7, lines 1-25), which would read on a pattern detector operative to receive an arbitrary description of an unwanted portion of the input image data.

9. Regarding claim 18, Applicant states that a page printer is not synonymous with "xerographic printer". By definition, a xerographic printer is a page printer that uses a xerographic process. The reference of Nishii does not state if the process used is xerographic, but does state that any image forming apparatus can be used (column 4, lines 44-51). Rejection is maintained.

10. Regarding claim 19, Applicant states that the Office Action recites that Motoyama teaches the claimed subject matter, but was rejected as being anticipated by Nishii alone. Examiner agrees with Applicant. Nishii in view of Motoyama should reject the claimed subject matter of claim 19.

11. Regarding claim 20, Applicant states that the reference of Nishii does not teach of, "unwanted non-blank pages of a job from an output stream". Examiner disagrees with Applicant. Nishii teaches of a graphic data detector (11) that detects graphic data via the blank page detector (10), which could be an unwanted non-blank page of a job from an output stream.

12. Regarding claim 11, The references of Nishii in view of Nakajima Toru teach all of the limitations of claim 11. Claim 11, now stands rejected.

***Claim Rejections - 35 USC § 112***

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. Regarding claim 11, Applicant states, " a method operative to automatically exclude unwanted portions of a job..." and "accepting one of an authorization and a prohibition from the operator to remove the unwanted portion." The Examiner does not understand how the method automatically excludes unwanted portions, but needs authorization and a prohibition from the operator to remove the unwanted portion. Also, how can an authorization to remove unwanted portions ever occur if there is always a prohibition required to proceed.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3,6,7,12-15 and 17-20 rejected under 35 U.S.C. 102(e) as being anticipated by Nishii US 6501556.

1. Regarding claim 1, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted page in an input stream of a printing system job from an output stream of the printing system job by establishing a characteristic of a page indicative of an unwanted page and monitoring the input stream to detect data representative of the characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on identifying one or more pages of the printing system job that contain data representative of the characteristic and removing the identified pages, thereby excluding them from the output stream.

2. Regarding claim 3, Nishii teaches that the printer (2) receives commands from a user, in which case, a user can input the type of page to be removed (column 5,lines 1-5), which reads on requesting permission from a user to remove the identified pages.

3. Regarding claim 7, Nishii teaches of a blank page output mode (5) (column 6,lines 1-5), which reads on describing characteristics of a non-blank separator sheet.

4. Regarding claim 12, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5, lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted portions of a job from an output stream of a printing system by describing characteristics of the unwanted portions of the job and searching within input image data for portions of the job that have the described characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on locating a portion of the input image data that has the described characteristics and deleting the located portion from the input data to generate output data and delivering the output data to the output stream.

16. Regarding claim 13, Nishii teaches of interpreting section (9). The interpreting section (9) receives input data and interprets the input data as a blank page or graphic data (figures 2 and 5 and column 6, lines 55-67 to column 7, lines 1-25). He also teaches that once the blank page is detected, the interpreting section (9) deletes the blank page (column 6, lines 55-67, column 7, lines 1-5, figure 5). This reads on a printing system operative to automatically remove unwanted portions of input image data, the printing system comprising: a pattern detector operative to receive an arbitrary description of an unwanted portion of the input image data, search for a portion of the input image data that corresponds to the unwanted portion description, and relate information about a found portion that corresponds to the description; and a portion



deleter operative to receive information from the pattern detector regarding a location of the at least one unwanted portion of the input image data and to remove the at least one unwanted portion of the input image data to generate output image data.

5. Regarding claim 14, Nishii teaches that the output image data is sent to a page buffer (17) and is then sent to the printing section (18) for printing (column 5, lines 54-55 and figure 2), which reads on an image destination operative to receive the output image data and at least one of, transmit the output image data to another device and generate hard copy corresponding to the output image data.

6. Regarding claim 15, Nishii teaches of a blank page output mode key (5) for detecting a blank page (column 5, lines 3-6), which reads on a default settings repository operative to store and make available to the pattern detector at least one of, a default unwanted portion description and processing procedure information.

7. Regarding claim 18, Nishii teaches any image forming apparatus can be used (column 4, lines 44-51), which reads on the image destination comprises a xerographic printer.

8. Regarding claim 20, Nishii teaches of a blank page output mode (5) which detects a blank page, which is a characteristic of the type of data to be detected (column 5, lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed, based on the mode selected the interpreting section (9) looks for the type of data selected by the mode, and sends it to the blank page detector (10), which contains a graphic data detector (11) that detects graphic data via the blank page detector (10) (column 5, lines 14-40), which reads on a printing system to automatically

exclude unwanted non-blank pages of a job from an output stream comprising means for describing one or more characteristics of a non-blank page that is unwanted and means for searching within input image data for portions of the job that have the described characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on a means for locating a page of the input image data that has the described characteristics and means for deleting the located page from the input data to generate output data and means for delivering the output data to the output stream.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii US 6501556 in view of Nakajima Toru JP 07-307827.

11. Regarding claim 2, Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), which reads on a method operative to automatically exclude a blank page in an input stream of a printing system job from an output stream

of the printing system job, the method comprising the steps of detecting data representative of a blank page in the input stream and deleting the data representative of the blank page from the input stream, thereby excluding the blank page from the output stream.

12. Nishii fails to teach of notifying an operator of detected data representative of the characteristic.

13. Nakajima Toru teaches of an advice means that notifies the user of a blank paper (paragraph 0011), which reads on notifying an operator of detected data representative of the characteristic.

14. Nishii could have easily been modified with the advice means of Nakajima Toru. This modification would have been obvious to one skilled in the art at the time of the invention to notify the user of the characteristic when it is detected.

15. Regarding claim 11, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5, lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted portions of a job from an output stream of a printing system by describing characteristics of the unwanted portions of the job and searching within input image data for portions of the job that have the described characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on locating a portion of the input image data that has the described

characteristics. Nishii teaches that the printer (2) receives commands from a user, in which case, a user can input the type of page to be removed (column 5, lines 1-5), which reads on accepting one of an authorization and a prohibition from the operator to remove the unwanted portion.

16. Nishii fails to teach of notifying an operator that an unwanted portion has been located.

17. Nakajima Toru teaches of an advice means that notifies the user of a blank paper (paragraph 0011), which reads on notifying an operator that an unwanted portion has been located.

18. Nishii could have easily been modified with the advice means of Nakajima Toru. This modification would have been obvious to one skilled in the art at the time of the invention to notify the user of the characteristic when it is detected.

19. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii US 6501556 in view of Motoyama US 5550614.

20. Regarding claim 9, Nishii teaches of a blank page output mode (5) which detects a blank page (column 5, lines 1-5) and Nishii teaches of an interpreting section (9) that interprets the input data to be printed and sends it to the blank page detector (10) (column 5, lines 14-20), which reads on a method operative to automatically exclude an unwanted portions of a job from an output stream of a printing system by describing

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characteristics of the unwanted portions of the job and searching within input image data for portions of the job that have the described characteristic. Nishii teaches of a blank page detector (10) that detects blank pages and erases the blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on locating a portion of the input image data that has the described characteristics and deleting the located portion from the input data to generate output data and delivering the output data to the output stream.

21. Nishii fails to teach of searching within input image data comprises using pattern recognition techniques to search for matching characteristics.

22. Motoyama teaches of scanning a page to generate digital page data and comparing the digital page data to a black spot threshold (column 2, lines 38-40), which reads on the step of searching within input image data comprises using pattern recognition techniques to search for matching characteristics.

Nishii could have easily been modified to scan a page and compare a digital page data to a black spot threshold of Motoyama. This modification would have been obvious to one skilled in the art at the time of the invention to determine if a page contains unwanted pages or portions.

23. Regarding claim 19, Motoyama teaches of a fax/telephone processor (column 4, lines 33-40), which reads on the image destination comprises a facsimile modem.

**Conclusion**

1. Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached at (571) 272-7437.

Michael Burleson  
Patent Examiner  
Art Unit 2626



Mlb  
March 7, 2006



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